IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8910 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

C.T. CHOKSHI

Versus

G.S. DAHOTRE, CHAIRMAN AND MANAGING DIRECTOR

Appearance:

MR BP TANNA for Petitioner

MR KM PATEL for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2, 3, 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/12/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Shri Tanna, learned counsel for the petitioner, raised manifold contentions in this matter challenging

the order of the Disciplinary authority dated 21st August, 1990 and that of the Appellate authority dated 17th September, 1990, but as this petition deserves to be allowed only on one ground, it is not necessary for me to discuss and give findings on all the contentions.

3. Though learned counsel for the respondent contended that along with the document annexure `D' at page No.31 dated 18th January, 1991, communicating decision of the appellate authority by the Assistant General Manager (Personnel), reasoned order of the Appellate authority has been sent but I do not find any cogent and satisfactory evidence produced on the record in support of this contention. Even in this document it is not given out that the copy of the reasoned order is enclosed. Otherwise also, nothing transpires from this communication that this order has been sent. In view of this fact, this contention raised by the learned counsel for the respondent cannot be accepted.

4. It is the right of the petitioner to file review application and in case the appellate authority has passed a reasoned order it has to be communicated to the petitioner so that he may know the reasons which have been given by the appellate authority not to accept his appeal. Now reasoned order has been filed on the record of this special civil application by the respondents along with their reply.

5. This petition is disposed of in terms that the petitioner is free to file review application against the order of the appellate authority and in case such a review application is filed within a period of fifteen days from the date of receipt of certified copy of this order, the reviewing authority is directed to decide the same in accordance with law within a period of four months from the date of receipt thereof and after hearing the petitioner where he desires personal hearing. The special civil application and Rule stand disposed of accordingly with no order as to costs.

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zgs/-